

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DELOITTE & TOUCHE LLP,

Plaintiff,

v.

WM HIGH YIELD FUND, et al.

Defendants.

**Civil Action No.
05-MC-40009-FDS**

**Case pending in the United States
District Court of Pennsylvania
Case No. 04-CV-3423**

ORDER

SAYLOR, J.

Plaintiff Deloitte & Touche LLP is a defendant in a securities fraud action pending in the United States District Court for the Eastern District of Pennsylvania. The plaintiffs in that litigation have issued a subpoena *duces tecum* in this district seeking, among other things, documents produced by Deloitte & Touche in connection with bankruptcy proceedings in 2004. Deloitte & Touche has filed a motion to quash the subpoena or, in the alternative, for a protective order.

In response, plaintiffs in the securities fraud action have indicated that the District Court in Pennsylvania, by an order dated March 31, 2005, stayed that action for 120 days. They request that this Court defer ruling on Deloitte & Touche's motion and provide them 10 days from the time that the stay in the Pennsylvania litigation is lifted, amended, or modified to respond to that motion. The securities fraud plaintiffs further indicate that they have communicated with counsel for Deloitte & Touche and are authorized to represent that Deloitte & Touche does not oppose their request to defer ruling on the motion.

Accordingly, the Court hereby ORDERS the following:

- (1) Deloitte & Touche's motion to quash or for a protective order is DENIED without prejudice;
- (2) the motion will be deemed to be renewed upon written notification to the Court from Deloitte & Touche that the stay imposed by the Pennsylvania District Court has been lifted, amended, or modified and that Deloitte & Touche wishes to renew the motion; and
- (3) plaintiffs in the Pennsylvania action shall have ten days from the date that notice is received to oppose or otherwise respond to the motion to quash or for a protective order.

So Ordered.

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge

Dated: June 17, 2005